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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,715	11/13/2002	Kuo-Chin Huang	OTMP0031USA	4267
27765	7590	05/18/2004	EXAMINER	
NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE) P.O. BOX 506 MERRIFIELD, VA 22116			GARCIA, ERNESTO	
			ART UNIT	PAPER NUMBER

3679

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/065,715

**Applicant(s)**

HUANG, KUO-CHIN

**Examiner**

Ernesto Garcia

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the scale to which a drawing is made must be large enough to show the mechanism without crowding when the drawing is reduced in size to two-thirds in reproduction. The drawings provided are too small too even show the details of the invention. For instance, the oblique guide piece 522 inclined toward the chute and the guide boards 53 externally protruding are not clearly shown.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Abstract***

The abstract of the disclosure is objected to because of the use of phrases, which can be implied, such as "The present invention is", which should be avoided. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claims 1, 2 and 4 are objected to because of the following informalities:

regarding claim 1, "forming" in line 3 should be --formed--, "mounting" in line 6 should be --mounted--, and the use of the term "open" as in "an open of the loading-and-unloading section" in claim 1 and "an open of the tightening section" in line 5 should be --opening--;

regarding claim 2, --at least one-- should be inserted before "chute" in line 1, and --the-- should be inserted before "chute" in line 2; and,

regarding claim 4, "lines" in line 2 should be --line--, and "two chute rows" in line 2 should be --the two contour lines--. Appropriate correction is required.

### ***Specification***

The disclosure is objected to because of the following informalities:

Applicant's use of the term "open" does not appear to be grammatically correct at best. For example, note the use of "strip open" on page in line 4, and "big open" on page 4 in line 5. Is this supposed to be --opening--? Further, the term "chute", e.g., "chutes 52" on page 4 in line 3 does not appear consistent with conventional meaning. Are the "chutes 52" merely openings of a shape that includes a narrow section ("strip open") and an enlarged section ("big open")? Furthermore, are the "guide boards 53"

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merely tabs that are received in the "chutes 52"? Appropriate correction is required throughout the specification.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, it is unclear what applicant is trying to claim. Is the lower contour line or the lower contour lines different from the contour lines set forth in claim 3. In any event, where are the end points of the line. Do the ends of the line lie right on the chutes? In that case, there will be no support to place the guide boards. Furthermore, applicant recites two chute rows which contradicts what is shown in Figure 5. Figure 5 only has one row of chutes, the chute near L1 is not a row. In order to qualify as a row it has to have two or more chutes. Since the claim 4 is indefinite as it is unclear where the line lies or ends, and the inconsistency of the use of term "rows", an art rejection cannot be made?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Liao, 6,239,978 (see marked-up attachment).

Regarding claim 1, Liao discloses, in Figure 2, a chute positioning apparatus comprising a positioning board **18**, chutes **A2**, and guide boards **A7**. The chutes **A2** are formed in the positioning board **18**. At least one of the chutes **A2** has a loading-and-unloading section **A3** and a tightening section **A4**. An opening **A5** of the loading-and-unloading section **A3** is greater than an opening **A6** of the tightening section **A4**. The guide boards **A7** are vertically mounted on the positioning board **18** and the guide boards **A7** externally protrude to form a guide surface.

Regarding claim 3, the chutes **A2** are on two contour lines **A10** of a top side **A11** and a bottom side **A12** of the positioning board **18**.

Regarding claim 5, the positioning board **18** is able to form on a main device.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liao, 6,239,978, in view of Welch, 6,109,819.

Regarding claim 2, Liao, as discussed above, fails to disclose an end of the at least one of the chutes **A2**, in the loading-and-unloading section **A3**, connects to an oblique guide piece inclined toward the at least one of the chutes **A2**. Welch teaches, in Figure 8, an end of at least one chute **52**, in the loading-and-unloading section **70**, connects to an oblique guide piece **160** inclined toward the at least one chute **52** to prevent removal of a securing stud (col. 7, lines 11-16). Therefore, as taught by Welch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect an oblique guide piece, at an end of the at least one of the chutes, inclined toward the at least one chute to prevent removal of a securing stud.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

May 13, 2004

Attachment: one-marked up copy of Liao, 6,239,978.

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



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6,239,978 (Liao)

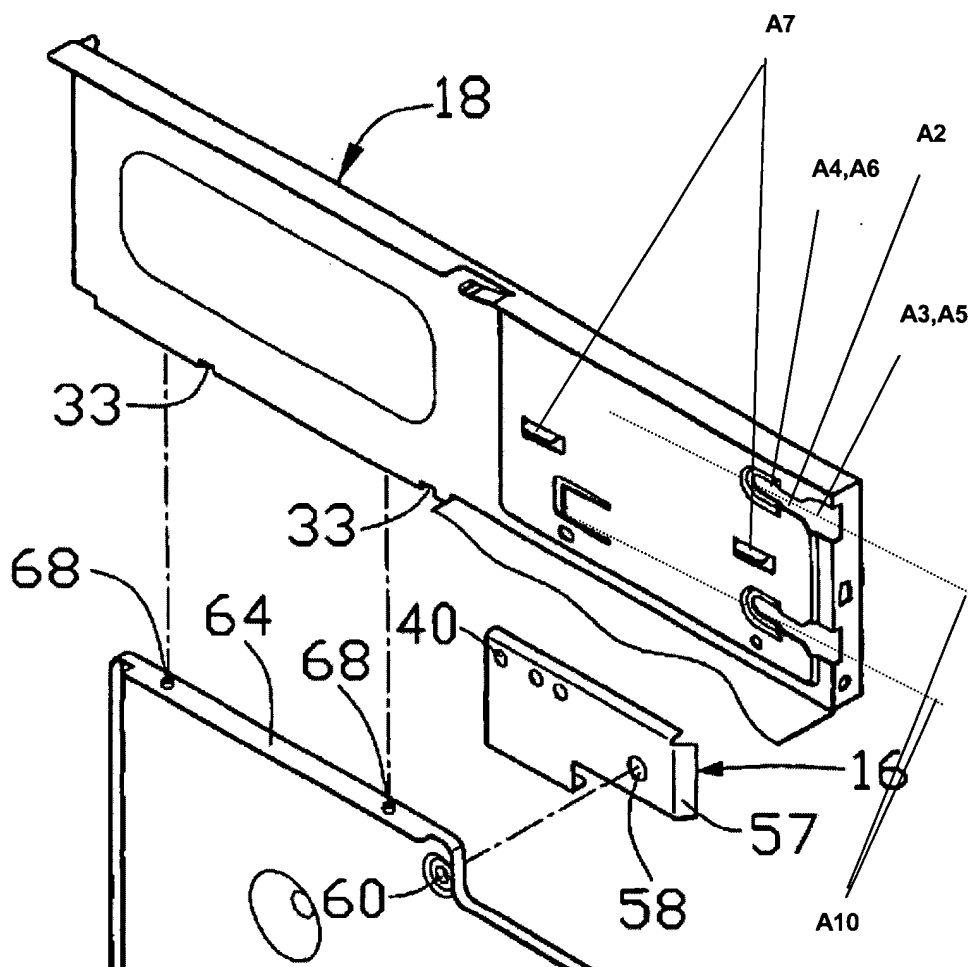


FIG. 2